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INDIANA UNIVERSITY
Maurer School of Law
Bloomington

The Appeal

Issue No. 6

Indiana University School of Law

October, 1969

Here We Go Again

Just one short year ago, The Appeal was launched. Its purpose then, as now, was to tell "what's happening" at our law school and to serve as an outlet for commentary by the students and professors. While realizing our editorial opinions are not shared by everyone, we hope that they at least inspire discussion in topics important to all of us. We are neither a "newspaper" in the traditional sense, nor in competition with the Indiana Law Journal. Hopefully, we occupy a niche somewhere between those two categories.

We hope to see The Appeal improve in quantity and quality, but this can only happen if enough students and professors take an active interest in it. We earnestly solicit assistance from everyone, from those with long commentaries they wish to submit to those who like to staple pages together. Our law school newspaper can survive and improve only with the help of the members of our law school "society."

The Editors

The Staff of "The Appeal"

Editor-in-Chief: Vic Streib
Managing Editor: Jay Larkin
Associate Editors: Pat Glynn, Ray Robison, Peggy Tuke
Contributors: Ron Chapman, Pam Allen, Tom Zieg, and many unknown soldiers.

We feel no cartoon is necessary — only a reference to the FALL class scheduling SNAFU:

B634 — divided in two
B665 — divided in two
B690 — cancelled
B750 — cancelled
B770 — cancelled

Thank you, oh great white "scheduling" father in the sky.

Dear Freshmen, Sincerely yours, The Juniors

[Ed. Note: The name of the author of this article has been withheld for reasons which will become apparent when you read it.]

We, the survivors of last year's entering class, wish you good luck and a warm welcome. This law school is in the midst of profound change, and this article is intended to give you the benefit of the best rumors of last year as to why and how. We can also give you a few "tips" on your professors. This article may be the last time this year that you will be addressed as reasoning adults, and for that reason alone it may have some value. Your introductory meeting with the Dean and his full-of-pep staff is over, so what happens now? We have no idea, but this article will tell you what happened to us.

The Change at I.U. Law School

It appears to us that Dean Harvey was brought here to upgrade the school and give it some national prestige. He was an Assistant Dean at Michigan Law School and built a fairly decent reputation for scholarship at that law school. Plus, he had a very successful text book on Contracts under his belt. Former President Stahr apparently lured him here with the opportunity to build I.U. into a great law school with a national rather than local outlook. The other possibility is that, since Michigan was going through a severe money crunch, a lot of Michigan talent became available. Michigan's law school was practically raped by every other law school in the country and some of their best talent left. Maybe Dean Harvey was looking for a little shop of his own and I.U. became available. Take your pick—we like the "upgrade idea" best.

Another fact that lends credence to the "upgrade idea" is the rapid faculty change. Either a majority of the faculty was ready to retire when Harvey came, or he suggested greener fields for their talents. At any rate, a lot of bright young "gunslingers" were brought in with training at the Harvard and Stanford "spreads", and you will have most of them during your first year. The "hands" that were still here after the Harvey purge were all top-flight talent.

It also may be just a coincidence that new courses were added, a tutorial program begun (just like the big boys at Harvard have), and the grade average necessary for graduation pushed up. In the old days, this school and the Indianapolis Law School had about the same enrollment (600). Now, we are under 400, while Indianapolis is still around 600. These figures mean one of two things: this law school is becoming more selective, or the study of law at Bloomington is losing favor. We, of course, prefer the "more selective" idea.

In keeping with the more selective concept, we were told that the present senior class was statistically the strongest class ever to enter I.U. Law School, until the present junior class came in. The odds, therefore, seem to be that your class is one of the best, if not the best, ever to enter these hallowed halls. Here, we part company with "more selective"

and feel that all of the talent is in the junior and senior classes, and that your class is the usual bunch of "clucks" that normally find themselves in law school.

The Teachers

The Powers—Dickerson and Schornhorst.

They are two of the strongest profs you will ever have. We regret to say that both of them could and have fared very well in the outside world; Dickerson in governmental work and Schornhorst in, of all things, the practice of law. It is only courtesy never to mention the "outside world" to law profs, so keep the above to yourselves. Dickerson will never remember your name, so its only fair that you ignore everything he says in class. No really good lawyer ever knows the least thing about how law is written, or, thought of thoughts, how to write it.

For one of your brightest first-year memories, go to Schornhorst's class unprepared and then say something stupid. We promise you'll never forget the experience. Oh, by the way—he remembers names.

The Glories.

Mr. Nolan is one of the few I.U. grads that is teaching here, and rumor has it that he has the highest grade-point ever attained at this school. The only subject he got less than an "A" in was—you guessed it—property. He has a nice approach and seems to feel that common sense has a place in law school training. He also likes birds.

Mr. Dworkin is the most articulate prof you will have, and he has the best subject to be articulate about. Torts will confuse you but never bore you. When he says 20 to 30 pages a day, he means it. Mr. Greenebaum and Mr. Tarlock are monsterously well-prepared in their fields, and will slip a "jewel" by you if you don't listen carefully. Both men seem very interested in seeing that their students learn enough about "the law" in their fields to not sound like idiots.

Mr. Birmingham is in a field by himself. He actually thinks that students will try to write a contract after they become lawyers. Everyone knows that 99% of contracts are copied right out of the form-books and will fit every situation from selling a pig to buying the Empire State building. Anyone who questions these form-book contracts is either a spoil-sport or a law review editor, or both.

Mr. Sherman and Dean Harvey haven't taught any subjects to this class, so we leave it to your class to critique them for next year's class.

Your Future in Law School

Essentially, you will have or not have a rapport with your teachers on an individual basis, and what happens to you depends solely on you,

because they won't change. You were picked to come to this law school on the basis of your past record, and if you flunk out or drop out it won't be because of your inability to handle the work. This is a whole new ball game, and some of the people who will wind up with the best grades will really surprise you. You will see Phi Beta Kappa's leave this school in confusion, and see a 2.5 under-grad average leap to a 3.0 average here. Half of your grade will depend on luck, and the other half on knowing the subject. How you write on a subject is often more important than what you know about the subject. Therefore, we suggest you practice writing--your Tutorial T.A.'s will try to assist you.

Our best advice is that the best lawyers think like women. Women never forget what side they are on, and will cover a bad point by emphasizing a good point. A woman is never impartial, so the same facts will be and must be just as strong for your paying client as they are for the opposing counsel's client. How this manipulation is performed is the guts of "thinking like a lawyer." You stopped being impartial the day you came to law school.

To end this we pass on a piece of advice about law school courtesy. Never blame the Dean for anything that happens to you. We decided that Dean Harvey had no idea of what was going on, and that Dean Thorpe was to blame for everything. We don't know who you will pick to take the rap, but we picked Dean Thorpe and it seemed to work out well for us. If the classes were bad, the teachers poorly prepared, the water fountains not working, or even if the books were being sandbagged by our colleagues, we blamed Dean Thorpe and were satisfied that he deserved it. Logic has no place in who gets the rap--only your own satisfaction. We are prepared to share Dean Thorpe with you, but only until you get settled in. After that, you must get your own "goat." Remember, only impudent law students blame the Dean for what happens at the law school.

NO CREDIT FOR LAW JOURNAL

No credit will be given for participation on Law Journal, beginning with FALL 1969. In the past credit has been given, but was phased out in a program ending last year.

There are many arguments on both sides of this decision. In any event, it has been decided that Indiana Law Journal experience is for the interested and willing, and is not to be "bought" with credit.

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LAW SCHOOL ENROLLMENT DROPS

According to the law school's recorder, the fall semester enrollment for the law school is:

163	freshmen
124	juniors
105	seniors
<u>1</u>	special
393	total

This total enrollment is considerably below that of the last few years. Although the reasons for this are many and varied, the biggest reason is the level of the military draft and the denial of draft-deferment for law students.

* * * *

LAW SCHOOL FACULTY ADDITIONS

by Peggy Tuke

Two new professors have joined the law school faculty this year. Mr. Alan Schwartz, teaching Labor Law and Commercial Transactions, and Mr. Edward F. Sherman, teaching Trial Techniques and Civil Procedure.

Professor Schwartz graduated from Bates College with a B.S. in physics in 1961, and received his L.L.B. from Yale in 1964. Between his graduation from Yale and his joining the law school faculty, he served as an associate with the law firm of Roseman Colin Kaye Petschek Freund & Emil in New York. His works have been published in the Yale Law Journal.

Professor Sherman received his A.B. from Georgetown University in 1959, with majors in philosophy and government. He holds two M.A. degrees -- one in history and government, and one in English and philosophy. He received his L.L.B. from Harvard, and is presently working toward an S.J.D. at Harvard. His publications include articles in the A.B.A. Journal, "Atlantic Monthly," and "The New Republic."

ONE JUNIOR'S OBSERVATIONS

by Vic Streib

To Whom it may Concern:

If you liked Spiro Agnew, you will love Dean Thorpe.

If you liked Smith Brother's coughdrops, you will love Prof. Birmingham.

If you liked Woody Allen, you will love Professor Gordon.

If you liked the IBM 360 Computer, you will love Professor Baude.

Debating a point with him is like challenging an IBM 360 with
a retarded abacus.

Quotes from our vending machine coffee cups:

"Good enough is not good enough."
(C+)

"by the work . . . we know the workman."
(anonymous Grading System)

"Work with pride, perfection your guide."
(Work with pride, Gilbert's your guide.)

Blasphemy?

A junior writer for Law Journal was overheard at Gable's, saying he had no desire to become editor next year, because "it is not my bag to be a non-communicative dullard." What did he mean by that, John?

My Hero:

A description of Allen Ginsberg taken from "Playboy:"

"Here is a man who, like a child, sees evil, hears evil
and tries to convey these perceptions to men who seem
determined to remain deaf, dumb and blind."

* * * *

Comparison: The Lawyers and The Trouble With Lawyers

- Martin Mayer, The Lawyers, Harper and Row, 1967
- Murray Teigh Bloom, The Trouble with Lawyers, Simon and Schuster, 1968

By Vic Streib

Martin Mayer's best-seller appeared two years ago and generally whitewashed the entire legal profession. Mr. Mayer's assessment of engaging an attorney is a "pleasant sensation of contact with a first rate mind working on a first rate problem." He refers to law schools as providing the best quality of education in America. From his wide-ranging study of lawyers, judges, and law schools, it would appear that everything is right with the legal world.

Mr. Bloom's more recent best-seller begins "My main purpose is to show how the American middle class is victimized by the American legal profession." Then follows chapter after chapter of incidents in which some incompetent and/or dishonest lawyer has "victimized" his client. The list includes mismanagement of funds in escrow, ambulance chasing, court patronage, and stealing from the Indians. Some of the horrible things which happen to unsuspecting clients indicate the extremes to which some lawyers will go for the "almighty dollar."

Probably the most shocking revelation in The Trouble With Lawyers is the almost total indifference of the bar associations. That there are some dishonest lawyers in the profession is no surprise, but that the profession refuses to effectively discipline gross violations of professional ethics is inexcusable. Occasionally when the bar does discipline a member, within a very short time he can gain readmission to the bar and resume his practice. Incompetent and/or dishonest judges have the most secure jobs, since it is almost impossible for anyone to discipline them.

Thus, two professional journalists each wrote a book about lawyers, and published them only one year apart. One wonders how either could have been so one-sided in his report. Ideally, one should read The Lawyers immediately before entering law school, and read The Trouble With Lawyers immediately before graduating. If read in reverse order, most of us would now be in the peace corps instead of law school.

"Heh, heh. I was just kidding. Sure I knew what you meant by court and what was I going to do about it."

"Then what are you going to do about it?"

"Heh, heh. I'm not going to tell you right away, but you just write your problem down on a piece of paper and come back here in four hours. Then you'll see what I'm going to do about it."

My client wrote out his problem and walked out of my office. I frantically began trying to figure out just what to do about it. He returned exactly four hours later. Fortunately, I had solved the problem with minutes to spare.

Unable to control my exuberance, I jumped out of my chair and handed my client the fruits of my efforts, as soon as he walked through the door.

"What the hell is this?" he asked.

"That, my dear client, is a blue book crammed full of my own inventive theories and issues of your case," I said triumphantly.

"You mean you've been researching my problem for the last four hours?"

"Research? Ha. No, it's not researched. One doesn't use reference books when answering a legal problem. It simply isn't done," I replied haughtily.

"You've got to be joking."

"Joking? I spent three years of law school learning how to do this and you have the nerve to suggest I'm joking."

"They must have taught you something else in law school."

"Of course they taught us other things."

"Well, a blue book of your theories isn't going to do me much good, so why don't you try another approach you learned at law school."

"O.K. Gimme a few minutes. I'll think of something."

My client stood in silence while I desperately tried to think of something else. I was going to suggest that he test my knowledge of Palsgraf by badgering me with questions about it. That way I could impress him with my coolness under pressure. But I rejected this ploy, sensing that my client might not be impressed.

I thought and thought. He stood and waited. Finally, he began to walk out, and as he did, he began carrying my most valuable possessions out of the office with him. (My dreams are always rich in symbolism).

"Please don't take my aquarium," I pleaded.

But it was too late. And as soon as he closed the door, everything else in the room vanished. I was alone in the room with just four bare walls.

I cried until I woke up. Thank God it was only a dream.